

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

NAKIA HORTON,)
Petitioner) Civil Action
vs.) No. 10-cv-04728
MARIROSA LAMAS,)
ATTORNEY GENERAL OF THE STATE)
OF PENNSYLVANIA and)
SUPERINTENDENT OF SCI ROCKVIEW)
Respondents)

O R D E R

NOW, this 30th day of August, 2013, upon consideration
of the following documents:

- (1) Amended Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254, which petition was filed by Nakia Horton pro se¹ on November 30, 2010 (Document 6), together with
 - (A) Supporting Exhibits A through K;
- (2) Report and Recommendation by United States Magistrate Judge Timothy R. Rice filed April 14, 2011 (Document 26);
- (3) Horton's Written Objections to the Report and Recommendation of U.S. Magistrate Judge Timothy R. Rice, which objections were filed May 25, 2011 (Document 30);
- (4) Respondents' Brief Answer to Petitioner's Objections to Report and Recommendation, which answer was filed June 30, 2011 (Document 32);
- (5) Petitioner's Reply to Respondent's Answer to Written Objections, which reply was filed July 13, 2011 (Document 33);

¹ Each of petitioner's documents, numbered (3), (5), (6), (7), (8), (9) and (10), below, were filed by petitioner Nakia Horton, pro se.

- (6) Application for Certificate of Appealability filed by petitioner on July 13, 2011 (Document 34);
- (7) Motion to Correct Procedural Defects With Requested Relief, which motion was filed by petitioner on December 5, 2012 (Document 36);
- (8) Supplemental Objections to the Report and Recommendation of Magistrate Judge Timothy R. Rice, which objections were filed by petitioner on March 14, 2013 (Document 38);
- (9) Motion to Strike filed by petitioner on March 27, 2013 (Document 39); and
- (10) original Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus By a Person in State Custody filed September 14, 2010 (Document 1);

it appearing that many of petitioner's objections to Magistrate Judge Rice Report and Recommendation are a restatement of the issues raised in his underlying petition for habeas corpus relief; it further appearing after de novo review of this matter that Magistrate Judge Rice's Report and Recommendation correctly determined the legal and factual issues presented in the petition for habeas corpus relief; and for the reasons expressed in the accompanying Opinion,

IT IS ORDERED that Magistrate Judge Rice's Report and Recommendation is approved and adopted.

IT IS FURTHER ORDERED that Horton's Written Objections to the Report and Recommendation of U.S. Magistrate Judge Timothy R. Rice are overruled.

IT IS FURTHER ORDERED that petitioner's Supplemental Objections to the Report and Recommendation of Magistrate Judge Timothy R. Rice are overruled.

IT IS FURTHER ORDERED that the Amended Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 is denied with prejudice.

IT IS FURTHER ORDERED that petitioner's Application for Certificate of Appealability is denied.

IT IS FURTHER ORDERED that petitioner's Motion to Strike is granted.

IT IS FURTHER ORDERED that petitioner's Motion to Correct Procedural Defects With Requested Relief is withdrawn.

IT IS FURTHER ORDERED that because defendant has not met statutory requirements to have his case heard, and no reasonable jurist could find this ruling debatable, and because defendant fails to demonstrate denial of a constitutional right, a certificate of appealability is denied.

IT IS FURTHER ORDERED that the Clerk of Court mark this case closed for statistical purposes.

BY THE COURT:

/s/ James Knoll Gardner
James Knoll Gardner
United States District Judge